

Filer Selected: This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

Location: <<Court Room 1106
 Judge: Courtroom, 1106
 System Generated Filing Date: 2/4/2022 9:30 AM
 Location: Court Room 1106
 Judge: Denys, Maire Ailed

State of ILLINOIS,
 CIRCUIT COURT

SUMMONS

For Court Use Only

FILED
 1/3/2022 11:05 AM
 IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL
 20211126513
 Courtroom, 1106
 16129428

Instructions ▼

Enter above the county name where the case was filed.

Enter your name as Plaintiff/Petitioner.

Enter the names of all people you are suing as Defendants/Respondents.

Enter the Case Number given by the Circuit Clerk.

PRESITA WEST

Plaintiff / Petitioner (First, middle, last name)

v.

DIAZ ANSELMO & ASSOCIATES LLC

Defendant / Respondent (First, middle, last name)

21 M1 126513

Case Number

☐ **Allas Summons** (Check this box if this is not the 1st Summons issued for this Defendant.)

IMPORTANT INFORMATION:

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: illinoiscourts.gov/documents-and-forms/approved-forms/.

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit illinoislegalaid.org.

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at illinoislegalaid.org.

Plaintiff/Petitioner:

Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons*, *Small Claims Summons*, or *Summons Petition for Dissolution of Marriage / Civil Union* available at illinoiscourts.gov/documents-and-forms/approved-forms. If your case is a detinue or replevin, visit illinoislegalaid.org for help.

If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In 1a, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In 1b, enter a second address for Defendant/Respondent, if you have one.

In 1c, check how you are sending your documents to Defendant/Respondent.

1. Defendant/Respondent's address and service information:

a. Defendant/Respondent's primary address/information for service:

Name (First, Middle, Last): DIAZ ANSELMO & ASSOCIATES LLC

Registered Agent's name, if any: Bryan Hughes

Street Address, Unit #: 1771 W. DIEHL RD. STE 120

City, State, ZIP: NAPERVILLE, IL 60563

Telephone: _____ Email: _____

b. If you have more than one address where Defendant/Respondent might be found, list that here:

Name (First, Middle, Last): _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____ Email: _____

c. Method of service on Defendant/Respondent:

☐ Sheriff☐ Sheriff outside Illinois: _____

County & State

☒ Special process server☐ Licensed private detective

EXHIBIT A

FILED DATE: 1/3/2022 11:05 AM 20211126513

Enter the Case Number given by the Circuit Clerk: 21 M1 126513

In 2, enter the amount of money owed to you.

In 3, enter your complete address, telephone number, and email address, if you have one.

2. Information about the lawsuit:Amount claimed: \$ 10,000.00**3. Contact Information for the Plaintiff/Petitioner:**Name (First, Middle, Last): Presita West c/o Sheryl Ring Esq.Street Address, Unit #: 518 South Route 31, Suite 113City, State, ZIP: McHenry, Illinois 60050Telephone: (847) 975-2643 Email: sheryl@sherylringlaw.com**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.**Important information for the person getting this form**You have been sued. Read all of the documents attached to this *Summons*.To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: illinoiscourts.gov/documents-and-forms/approved-forms/.Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.In 4a, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.In 4b, fill out:
• The court date and time the clerk gave you.
• The courtroom and address of the court building.
• The call-in or video information for remote appearances (if applicable).
• The clerk's phone number and website. All of this information is available from the Circuit Clerk.**4. Instructions for person receiving this *Summons* (Defendant):**

- ☒
- a. To respond to this
- Summons*
- , you must file
- Appearance*
- and
- Answer/Response*
- forms with the court within 30 days after you have been served (not counting the day of service) by e-filing or at:

Address: 50 West Washington StreetCity, State, ZIP: Chicago, Illinois 60602

- ☐
- b. Attend court:

On: _____ at _____ ☐ a.m. ☐ p.m. in _____
Date Time Courtroom**In-person at:**

Courthouse Address City State ZIP

OR

Remotely (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance":

By telephone:

Call-in number for telephone remote appearance

By video conference:

Video conference website

Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: _____ or visit their website

Circuit Clerk's phone number

at: _____ to find out more about how to do this.

Website

1/3/2022 11:05 AM IRIS Y. MARTINEZ

Witness this Date: _____

Clerk of the Court: _____

This *Summons* must be served within 30 days of the witness date.

Date of Service: _____

(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)

Seal of Court

STOP!

The Circuit Clerk will fill in this section.

STOP!

The officer or process server will fill in the Date of Service.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT Cook <input checked="" type="checkbox"/> COUNTY		PROOF OF SERVICE OF SUMMONS AND COMPLAINT/PETITION	For Court Use Only
Instructions Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/Respondents. Enter the Case Number given by the Circuit Clerk.	PRESITA WEST Plaintiff / Petitioner (First, middle, last name) v. DIAZ ANSELMO & ASSOCIATES LLC Defendant / Respondent (First, middle, last name) <input type="checkbox"/> Alias Summons (Check this box if this is not the 1 st Summons issued for this Defendant.)		21 M1 126513 Case Number

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****Stop. Do not complete the form. The sheriff or special process server will fill in the form.****My name is _____ and I state
First, Middle, Last
☐ I served the Summons and Complaint/Petition on the Defendant/Respondent
 as follows:
 First, Middle, Last

☐ Personally on the Defendant/Respondent:

 Male ☐ Female ☐ Non-Binary ☐ Approx. Age: _____ Race: _____
 On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address, Unit#: _____
 City, State, ZIP: _____

☐ On someone else at the Defendant/Respondent's home who is at least 13 years old and is a family member or lives there:

 On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address, Unit#: _____
 City, State, ZIP: _____
 And left it with: _____
 First, Middle, Last

 Male ☐ Female ☐ Non-Binary ☐ Approx. Age: _____ Race: _____
 and by sending a copy to this defendant in a postage-paid, sealed envelope to the
 above address on _____, 20 _____.

☐ On the Corporation's agent, _____
 First, Middle, Last

 Male ☐ Female ☐ Non-Binary ☐ Approx. Age: _____ Race: _____
 On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address: _____
 City, State, ZIP: _____

Enter the Case Number given by the Circuit Clerk: 21 M1 126513

☐ I was not able to serve the **Summons and Complaint/Petition on Defendant/Respondent:**First, Middle, LastI made the following attempts to serve the **Summons and Complaint/Petition on the Defendant/Respondent:**

1. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address: _____
 City, State, ZIP: _____
 Other information about service attempt: _____

2. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address: _____
 City, State, ZIP: _____
 Other information about service attempt: _____

3. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address: _____
 City, State, ZIP: _____
 Other information about service attempt: _____

DO NOT complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the **Proof of Service of Summons** is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

By:

Signature by: ☐ Sheriff
☐ Sheriff outside Illinois:

County and State

☐ Special process server
☐ Licensed private detective

FEES

Service and Return: \$ _____
 Miles: \$ _____
 Total: \$ 0.00

Print NameIf **Summons** is served by licensed private detective or private detective agency:

License Number: _____

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Hearing Date: 2/4/2022 9:30 AM
Location: Court Room 1106
Judge: Dempsey, Maire Aileen

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT, FIRST DISTRICT**

FILED
12/16/2021 3:37 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL

Courtroom, 1106
15990034

PRESITA WEST,

Plaintiff,

v.

DIAZ ANSELMO & ASSOCIATES,
LLC,

Defendant.

20211126513

COMPLAINT AT LAW

Plaintiff Presita West, by and through her undersigned counsel, hereby respectfully complains and alleges against Defendants, Diaz Anselmo and Associates, as follows:

General Allegations Common to All Counts

1. Plaintiff is a natural person and resident of the State of Tennessee.
2. Defendant is an Illinois limited liability company with its principal offices located in Naperville, Illinois.
3. At all times herein relevant, Defendant was and is a "debt collector" as that term is defined by 15 U.S.C. 1692a(6) of the Fair Debt Collection Practices Act ("FDCPA").
4. On or about January 19, 2018, Defendant, as counsel for Deutsche Bank, filed a foreclosure action against Plaintiff in the Circuit Court of Cook County, Illinois.
5. That foreclosure was styled Deutsche Bank v. West, 2018 CH 00781.
6. That foreclosure concerned a property in Cook County, Illinois.
7. On or about December 19, 2019, an order of foreclosure was entered against Plaintiff.
8. That order was vacated by the Court on February 11, 2020, because Plaintiff had not been properly served by Defendant.

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9. On or about May 17, 2021, Defendant received an order of summary judgment against Plaintiff in the foreclosure case.
10. However, Defendant never served the summary judgment motion or a notice of same upon Plaintiff.
11. As such, the order of summary judgment was vacated on or about July 20, 2021.
12. Thereafter, Defendant again moved for summary judgment in the matter.
13. Both times the Defendant moved for summary judgment, the Defendant requested a deficiency judgment be entered against Plaintiff.
14. On November 19, 2019, Plaintiff had requested and received a Chapter 7 bankruptcy discharge in case number 18-24913 in the United States District Court for the Northern District of Illinois.
15. As such, Defendant's actions violated the discharge injunction.
16. Defendant was required to agree to a consent judgment with deficiency waiver in order to receive the same benefit from the foreclosure suit that she had already received from the discharge injunction.

COUNT I – VIOLATIONS OF 15 U.S.C. 1692f

17. Plaintiff restates and realleges paragraphs 1-16 of this Complaint as if fully set forth herein.
18. Pursuant to Section 1692f(a) of the FDCPA,

A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

- (1) The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.

19. The Defendant violated this statute by one or more of the following acts or omissions:

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- a. Ignoring and/or refusing to honor the Plaintiff's discharge injunction;
- b. Requiring Plaintiff to interpose the bankruptcy as a defense in the foreclosure case;
- c. Requiring Plaintiff to agree to a consent judgment as a condition of waiving a deficiency which was already discharged in bankruptcy;
- d. Requesting from the Court a deficiency judgment from Plaintiff, notwithstanding that said deficiency was uncollectible;
- e. Other unlawful and unfair acts as set forth herein.

20. Plaintiff is entitled to \$1000 plus her actual damages, plus costs and attorney fees.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in her favor and against Defendant in an amount to be proven at trial, plus costs, attorney fees, and whatever additional relief this Court deems appropriate and just.

COUNT II – VIOLATION OF DISCHARGE INJUNCTION

21. Plaintiff restates and realleges paragraphs 1-20 of this Complaint as if fully set forth herein.

22. Defendant's conduct constituted a violation of the discharge injunction which creates a private right of action under federal bankruptcy law.

23. Plaintiff is entitled to actual and punitive damages, plus costs and attorney fees.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in her favor and against Defendant in an amount to be proven at trial, plus costs, attorney fees, and whatever additional relief this Court deems appropriate and just.

COUNT III – VIOLATION OF 15 U.S.C. 1692e

24. Plaintiff restates and realleges paragraphs 1-23 of this Complaint as if fully set forth herein.

25. Pursuant to Section 1692e of the FDCPA,

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

* * *

(2) The false representation of-(A) the character, amount, or legal status of any debt;

* * *

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken." 15 U.S.C. § 1692e

26. Defendant violated this statute by one or more of the following acts or omissions:
- a. Threatening and requesting from the court the entry of a deficiency judgment;
 - b. Misrepresenting to the Court and in pleadings that a deficiency judgment or money damages could be owed by Plaintiff;
 - c. Other acts and/or omissions as set forth herein.

27. Plaintiff is entitled to \$1000 plus her actual damages, plus costs and attorney fees.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in her favor and against Defendant in an amount to be proven at trial, plus costs, attorney fees, and whatever additional relief this Court deems appropriate and just.

Respectfully Submitted,
PRESITA WEST

/s/ Sheryl Ring
By her counsel,
Sheryl Ring, Esq.

Sheryl Ring, Esq. #6311043/#62447
518 South Route 31, Suite 113
McHenry, Illinois 60050
(847) 975-2643
sheryl@sheryrlinglaw.com